

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

20-10130 BKMFR05
BROCK & SCOTT, PLLC
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Attorneys for HSBC Bank USA, National Association
as Trustee for Nomura Asset Acceptance Corporation,
Mortgage Pass-Through Certificates, Series 2007-1

In Re:

GARY A WEBER



Order Filed on November 21, 2022
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No: 17-24388-MBK

Hearing Date: November 9,
2022

Judge: MICHAEL B.
KAPLAN

Chapter: 13

Recommended Local Form

☐ Followed

☒ Modified

**ORDER RESOLVING MOTION TO VACATE STAY
AND/OR MOTION TO DISMISS
WITH CONDITIONS**

The relief set forth on the following pages, numbered two (2) through three (3) is **ORDERED**.

DATED: November 21, 2022

A handwritten signature in black ink, reading "Michael B. Kaplan".

Honorable Michael B. Kaplan
United States Bankruptcy Judge

Applicant:	HSBC Bank USA, National Association as Trustee for Nomura Asset Acceptance Corporation, Mortgage Pass-Through Certificates, Series 2007-1
Applicant's Counsel:	Matthew Fissel, Esquire, Brock & Scott, PLLC
Debtor's Counsel:	James J Cerbone, Esquire
Property Involved ("Collateral"):	430 Garfield Ave, Avon by the Sea, NJ 07717

Relief sought: ☒ Motion for relief from the automatic stay

☐ Motion to dismiss

☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor(s)' future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion is resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- ☒ The Debtor is overdue for 3 months, from September 1, 2022 to November 1, 2022.
- ☒ The Debtor is overdue for 2 payments at \$6,944.64 per month, for 1 payments at \$6,750.52 per month.
- ☐ The Debtor(s) is assessed for _____ late charges at \$ _____ per month.
- ☐ Applicant acknowledges receipt of funds in the amount of \$ _____ received after the motion was filed.
- ☒ There is currently \$1,124.67 being held in Debtors' suspense account

Total Arrearages Due: \$19,515.13

2. Debtor must cure all post-petition arrearages, as follows:

☒ Immediate payment shall be made in the amount of \$19,515.13. Payment shall be made no later than November 30, 2022.

☒ Beginning on December 1, 2022, regular monthly mortgage payments in the amount of \$6,750.52 shall resume.

☐ Beginning on _____, additional monthly cure payments shall be made in the amount of \$ _____ for _____ months.

☐ The amount of \$ _____ shall be capitalized in the debtor(s)' Chapter 13 plan. Debtor(s) shall file a Modified Plan within 15 days of entry of this Order.

3. Payments to the Applicant shall be made to the following address(es):

☒ Immediate payment:

Wells Fargo Home Mortgage
P.O. Box 14507
Des Moines, IA 50306

☒ Regular monthly payment:

Wells Fargo Home Mortgage
P.O. Box 14507
Des Moines, IA 50306

☐ Monthly cure payment:

4. In the event of Default:

☒ If the Debtor fails to make the immediate payment specified above or fails to make any regular monthly payment within thirty (30) days of the date it becomes due, then the Applicant may obtain an Order vacating, terminating, and/or annulling the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtor's failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor, and the Debtor's attorney.

☒ If the bankruptcy case is dismissed or converted, this Agreement is void and the instant bankruptcy case will not act to impose the automatic stay against the Applicant's opportunity to proceed against its Collateral without further Order of the Court.

5. Award of Attorneys' Fees:

☐ The Applicant is awarded attorney fees of \$_____, and costs of \$_____.

The fees and costs are payable:

through the Chapter 13 plan.

to the Applicant within days.

☒ Attorneys' fees are not awarded.

In re:
Gary A Weber
Debtor

Case No. 17-24388-MBK
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3
Date Rcvd: Nov 21, 2022

User: admin
Form ID: pdf903

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 23, 2022:

Recip ID	Recipient Name and Address
db	+ Gary A Weber, 430 Garfield Avenue, Avon by the Sea, NJ 07717-1147

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 23, 2022

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 21, 2022 at the address(es) listed below:

Name	Email Address
Albert Russo	on behalf of Trustee Albert Russo docs@russotrustee.com
Albert Russo	docs@russotrustee.com
Denise E. Carlon	on behalf of Creditor FV-I Inc. in trust for Morgan Stanley Mortgage Capital Holdings LLC dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
James J. Cerbone	on behalf of Debtor Gary A Weber cerbonelawfirm@aol.com cerbonejr83307@notify.bestcase.com
John R. Morton, Jr.	on behalf of Creditor CAB East LLC serviced by Ford Motor Credit Company LLC ecfmail@mortoncraig.com, mortoncraigecf@gmail.com

District/off: 0312-3

User: admin

Page 2 of 2

Date Rcvd: Nov 21, 2022

Form ID: pdf903

Total Noticed: 1

Matthew K. Fissel

on behalf of Creditor HSBC BANK USA NATIONAL ASSOCIATION AS TRUSTEE FOR NOMURA ASSET
ACCEPTANCE CORPORATION, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-1
wbcef@brockandscott.com, matthew.fissel@brockandscott.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 7